

AGENDA
CITY PLANNING COMMISSION

City Hall - Council Chambers
6131 Taylorsville Road
March 9, 2021
6:00 P.M.

1. Call Meeting To Order

2. Roll Call

3. Opening Remarks By The Chair and Commissioners

4. Citizens Comments

5. Swearing of Witnesses

6. Pending Business

   A. None

7. New Business

   A. REZONING - The applicant, BROAD REACH RETAIL PARTNERS, LLC, is requesting approval of a Rezoning and Basic Development Plan for 17.2 acres at the Northeast corner of the intersection of Old Troy Pike and Taylorsville Road (ZC 21-06).

   B. LOT SPLIT - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of the Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way (ZC 21-07).

8. Additional Business

   A. None

9. Approval of Minutes

   A. Planning Commission February 23, 2021

10. Reports and Calendar Review

11. Upcoming Meetings

    A. Tuesday, March 23, 2021

    B. Tuesday, April 13, 2021

12. Adjournment

AI-7471 **7. A.**

Planning Commission

Meeting Date: 03/09/2021

REZONING

Information

Agenda Title

REZONING - The applicant, BROAD REACH RETAIL PARTNERS, LLC, is requesting approval of a Rezoning and Basic Development Plan for 17.2 acres at the Northeast corner of the intersection of Old Troy Pike and Taylorsville Road (ZC 21-06).

Purpose and Background

Attachments

Staff Report
Decision Record
Drawings
Fire Assessment
Traffic Analysis
Questions and Responses
Deed South Parcel
Deed North Parcel

Memorandum

Staff Report for Meeting of March 9, 2021

To: Huber Heights City Planning Commission

From: Scott Falkowski, Assistant City Manager

Date: March 4, 2021

Subject: ZC 21-06 (Rezoning of a total of 17.2 acres to PM-Planned Mixed Use and approval of a Basic Development Plan)

- Application dated February 17, 2021

Department of Planning and Zoning City of Huber Heights

APPLICANT/OWNER:	Broad Reach Retail Partners, LLC– Applicant HF 2 SUB, LLC- Owner
DEVELOPMENT NAME:	Huber Heights Crossing
ADDRESS/LOCATION:	Northeast corner Old Troy Pike and Taylorsville Road
ZONING/ACREAGE:	R-6 and B-3 / 17.2 acres
EXISTING LAND USE:	Residential/Office and Vacant
ZONING ADJACENT LAND:	A, PEP
REQUEST:	The applicant requests approval of a Rezoning and Basic Development Plan for 17.2 acres at the Old Troy Pike and Taylorsville intersection
PREVIOUS APPROVAL:	
APPLICABLE HHCC:	Chapter 1179
CORRESPONDENCE:	In Favor – None Received In Opposition – None Received

STATEMENT OF FACT:

The applicant requests approval of a Rezoning and Basic Development Plan for the properties at the northeast corner of Old Troy Pike and Taylorsville Road, which includes commercial and multi-family uses.

STAFF ANALYSIS AND RECOMMENDATION:

Overview

The above described properties have two current uses. The northern parcel is currently vacant and is zoned B-3 Commercial District. The southern parcel is currently zoned R-6 Residence District.

The City's 2011 Comprehensive Plan Update shows this area as Commercial Business and Mixed Density Residential, which includes retail, office, and service uses and represents traditional automotive oriented development. This land use requires high levels of access and visibility. The Mixed Density Residential area allows for higher density residential development and features a mix of detached and attached housing types. The district recommends a density of 6-8+ units per acre and allows flexibility in housing development. This land use category is appropriate for residential redevelopment and new mixed housing type areas.

The current zoning districts allow for the following:

CHAPTER 1150 - "R-6" RESIDENCE DISTRICT[28]

1150.01 - Principal permitted uses.

Only the following uses as approved by the Planning Commission shall be permitted of all property located in this District:

(a) One or more two-to-ten family dwellings; and

(b) Home occupations.

(Case 301; Ord. 96-O-928, Passed 11-25-96)

1150.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District:

(a) Uses customarily incident to all principal uses;

(b) One name plate for each family unit indicating the name of the occupant;

(c) Directional signs pertaining to public carriers and real estate; and

(d) Temporary buildings and uses for construction purposes not to exceed 12 months.

(Case 301; Ord. 96-O-928, Passed 11-25-96; Ord. No. 2019-O-2398 , § 1, 10-14-19)

1150.03 - Height standard.

No building shall exceed two stories or 35 feet in height.

(Case 301; Ord. 96-O-928, Passed 11-25-96)

CHAPTER 1155 - "B-3" COMMERCIAL DISTRICT[34]

Footnotes:

*--- (**34**) ---*

***Cross reference—** Planned Residential District—See Ch. 1171, 1172; Zoning general provisions—See Ch. 1181; Exceptions and modifications—See Ch. 1183; Parking and loading—See Ch. 1185; Signs—See Ch. 1189; Accessory buildings—See Ch. 1191; Trailers, trucks and recreational vehicles—See Ch. 1193.*

1155.01 - Principal permitted uses.

The following principal uses and no other shall be permitted in this District:

(a) All uses permitted in the "B-1" and "B-2" Districts;

(b) Hotel and Motel;

(c) Animal hospital, veterinary clinic or kennel, provided, however, any structure or premises used for such purposes shall be at least 200 feet from any "R" District and, provided further, that any exercise runways shall be effectively screened by a masonry wall or solid fence minimum six feet in height;

(d) Drive-in eating and drinking establishments, summer gardens when approved by the Board of Zoning Appeals;

(e) Establishments for display, hire, sale, and repair of new and used farm implements, automobiles, trailers and boats;

(f) Theatres, provided the screen shall be set back at least 200 feet from any established right-of-way;

(g) Lumber yard;

(h) Sign shop;

(i) Newspaper publishing establishment;

(j) Commercial greenhouse.

(k) Sweepstakes cafe.

(Ord. 2012-O-1948, Passed 3-12-12)

1155.02 - Accessory uses.

Only the following accessory uses shall be permitted in this District unless otherwise considered and approved by the Board of Zoning Appeals to be of similar character:

(a) Accessory uses and structures permitted and as regulated in the "B-1" and "B-2" Districts;

(b) Accessory uses and structures customarily incidental to any permitted principal use; and

(c) Any kind of manufacturing or treatment incidental to the conduct of a retail business conducted on the premises.

(Ord. 2011-O-1910, Passed 9-12-11)

1155.03 - Height standard.

No structure shall exceed three stories or 40 feet in height.

(Ord. 81-O-08, Passed 8-3-81)

1155.04 - Area standard.

All lots shall have an area, frontage and yard requirements as follows:

	Lot Area	*Lot Frontage*	*Lot Area Per Family*	**Front Yard Depth*	*Side Yard Widths Each Side Yard*	*Rear Yard Depths*
Permitted uses			*25 feet*	*None required except adjacent to any "R" District in which case, not less than 50 feet landscaped buffer zone, or as herein specified.*		*40 feet with 15 feet landscaped buffer zone when adjoining any "R" District, or as herein specified.*
Dwellings	*Same as specified in any "R" District*					

** The front yard depth shall be measured from the legal established right-of-way lines as shown on the legal Official Thoroughfare Plan.*

(Ord. 81-O-08, Passed 8-3-81)

1155.05 - Conditions.

In any "B-3" District fronting directly across the street from any "R" District the parking and loading facilities shall be distant, at least 25 feet from the established right-of-way line, and the building or the structures at least 75 feet from the established right-of-way line per the Official Thoroughfare Plan or the recorded plat.

(Case 443, 4-2-80; Ord. 81-O-08, Passed 8-3-81)

1155.06 - Special uses.

The following shall be permitted as a special use:

(a) Fraternal organizations, service clubs and other nonprofit organizations in accordance with the provisions of Chapter 1135. In addition to the criteria set forth in Chapter 1135, the parking requirements have to be reviewed yearly; and

(b) Places of worship.

(Case 469, 9-24-81; Ord. 81-O-08, Passed 8-3-81; Case 55, 7-3-85; Ord. 85-175, Passed 6-3-85; Case 101, 6-29-87)

1150.04 - Area standard.

Only the following area standards as approved by the Planning Commission shall be permitted of all property located in this District:

(a) The minimum lot area shall be five and five-tenths acres retained under single ownership or as a co-operative owned by a corporation.

(b) The minimum lot area per family unit shall be 3,000 square feet.

(c) The minimum yard area per family unit shall be 2,400 square feet.

(d) The minimum distance between any building and the established right-of-way as shown on the legal Official Thoroughfare Plan shall be 25 feet.

(e) The minimum distance between any building and the adjoining lots shall be 25 feet.

(f) The minimum distance between any two buildings shall be 40 feet.

(g) The minimum distance between any building and any automobile driveway, cul-de-sac or parking area shall be 20 feet.

(h) The minimum width of any automobile driveway or cul-de-sac shall be 20 feet.

(i) All cul-de-sacs shall be provided with a turnaround at the closed end.

(j) The minimum parking area for each family unit shall be adequate for one and one-half automobiles. The parking area shall be in the vicinity of the family unit and shall not be part of the driveway, cul-de-sac, or public thoroughfare.

(Case 301, 10-8-96; Ord. 96-O-928, Passed 11-25-96)

By Code, the southern 9.67-acre parcel would allow for 140 multi family residential units. The northern 7.53-acre parcel would allow for any of the commercial uses described above.

Site

The site currently has two multifamily buildings, three office buildings, an additional residential building and five accessory buildings. The proposal is to raze all of those buildings to provide for a new multi-use development.
Parking will be provided following Chapter 1185 of the City's Zoning Code.

Storm water will be handled through storm sewers flowing into an existing retention pond located on the southern parcel.

Sanitary will flow into existing public sanitary sewers which flow along Old Troy Pike and through the existing property.

Water will be public and is located along Old Troy Pike, on Taylorsville Road and in the neighborhood to the east.

A traffic analysis was completed by the applicant and a summary is attached to this packet. The impacts and their recommendations are as follows:

Intersection Impacts

Preliminary operational impacts were calculated for the study intersections. This document provides a preliminary assessment of potential transportation impacts.

Moving from south to north along Old Troy Pike
Old Troy Pike & Access 1 (right-in/right-out)

- Capacity analysis results indicated acceptable level of service (LOS) for this access.
- Special note - Access 2, to the north, warrants a right turn bay which is calculated to extend though access 1. Although not warranted for Access 1, the proposed right turn bay at access 2 should be extended through this right-in/right-out an additional 125'.

Old Troy Pike & Access 2 (across from IHOP)

- Capacity analysis results identify failing operations (LOS F) for left turns exiting the development during peak traffic periods. The left-out movement should be restricted at this location. A left-in movement appears to operate acceptably at this location and is beneficial to overall development access. Restriping for a continuous two-way left turn lane (TWLTL) is proposed.
- A northbound right turn bay is warranted. See Access 1 discussion related to total length required.
- Movement restrictions, as noted, and construction of a right turn bay will result

in acceptable LOS for this access.

Old Troy Pike & Access 3 (across from Burger King)

- Capacity analysis results identify failing operations (LOS F) for left turns exiting the development during peak traffic periods. Alternate traffic control should be considered for this location.
- A traffic signal is projected to warrant at this location.
    - A traffic signal at this location would allow for a controlled, safe access from the proposed development onto Old Troy Pike.
    - This traffic signal also provides better access for the existing development on the west side of Old Troy by signalizing the left turn movement from this drive. This new traffic signal is also anticipated to help redistribute some traffic off of Waynetowne.
    - The traffic signal is projected to operate with acceptable LOS during all analysis scenarios.
- The proposed southbound left turn bay at the signal calculates to extends through Huber Road.
- The proposed westbound storage length exiting the site calculates to 200'.

Accesses along Taylorsville Road moving west to east

Taylorsville Road & Access 4

- An eastbound left turn lane is warranted at Access 4. The existing spacing between this access and Old Troy Pike combined with the westbound left turn storage needs for Old Troy Pike limit the ability to provide this dedicated turn lane.

Taylorsville Road & Access 5

- The access would be designed as full movement with an eastbound left turn bay. Preliminary analysis shows this access can operate with acceptable LOS as full movement, unsignalized.

External Intersections

Old Troy Pike & Huber Road

- Special note - The southbound left bay for the proposed traffic signal at Access 3 extends though Huber Road.

Old Troy Pike & Taylorsville Road

- Capacity analysis indicates that the development related trips have minimal impact on the overall intersection LOS.

Old Troy Pike & Waynetowne/Merily

- Capacity analysis indicates that the development related trips have minimal impact on the overall intersection operations and LOS.

Old Troy Pike & I-70 EB Ramp

- Capacity analysis indicates that the development related trips have minimal impact on the overall intersection operations and LOS.

Old Troy Pike & I-70 WB Ramp

- Capacity analysis indicates that the development related trips have minimal impact on the overall intersection operations and LOS.

As noted on the proposed Decision Record, staff's recommendations are as follows:

- Old Troy Pike & Access 1 shall be right-in/right-out only. A drop right turn lane shall be installed on Old Troy Pike into the development.

- Old Troy Pike & Access 2 (across from IHOP) shall restrict left turns out of the development. A drop right turn lane shall be installed on Old Troy Pike into the development.

- Old Troy Pike & Access 3 (across from Burger King) shall have a signalized intersection installed with a drop right turn lane on Old Troy Pike.

- Taylorsville Road & Access 4 shall be moved further east to allow for a left turn in center lane on Taylorsville Road.

- Taylorsville Road & Access 5 shall be full movement and shall extend from Taylorsville Road directly to the Multi-Family Development for its main access.

- Taylorsville Road shall be widened on the north side to match the widening of the existing northbound turn lane at the intersection of Old Troy Pike and Taylorsville.

- Huber Road shall restrict left turns out.

- Access easements shall be granted to the public for access from the businesses to the north to access the signalized intersection.

Buildings

The City Code for buildings are as follows:

1181.24 COMMERCIAL BUILDING DESIGN STANDARDS.

(a) Applicability: The Commercial Building Design Standards shall apply to all newly constructed or reconstructed/remodeled non-residential structures located in the O-1, B-1, B-2, and B-3 zoning districts.

(1) Exceptions: The requirements of this section shall not apply to:

A. Existing structures as of the adoption of this Section shall be exempt from these commercial building design standards unless an exempted structure is expanded by 10% or more of its original size.

B. Deviation from the design standards contained in this Section may only be approved through the Planned Unit Development Approval Process.

(b) Design Standards.

(1) Building materials.

A. All exterior walls, including parking structures, garages, and accessory structures shall be 100% masonry materials.

B. Masonry coverage calculation does not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

C. Masonry Materials shall be defined as:

1. Hard fired brick: Shall be kiln fired clay or slate material and can include concrete brick if it is to the same American Society for Testing and Materials (ASTM) standard for construction as typical hard fired clay brick. Unfired or under-fired clay, sand or shale brick shall be prohibited.

2. Stone: Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior construction material. Cast or manufactured stone product may be approved, provided that such product yields a highly textured, stone-like appearance.

3. Decorative concrete block: Shall be highly textured finish such as split-faced, indented, hammered, fluted, ribbed, or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted on.

4. Concrete pre-cast or tilt wall panel: Shall be of an architectural finish that is equal to or exceeds the appearance and texture of face brick or stone. Coloration shall be integral to the masonry material and shall not be painted on.

5. Stucco: An exterior plaster made from a mixture of cement, sand, lime, and water spread over metal screening or chicken wire or lath.

6. Exterior Insulated Finish System (EIFS): A synthetic stucco cladding system that typically consists of these main components:

a. Panels of expanded polystyrene foam insulation installed with adhesive or mechanically fastened to the substrate, usually plywood or oriented strand board;

b. A base coat over the foam insulation panels,

c. A glass fiber reinforcing mesh laid over the polystyrene insulation panels and fully imbedded in the base coat; and

d. A finishing coat over the base coat and the reinforcing mesh.

7. Other: The Director of the Planning and Development Department, or his/her designee, may approve the use of other materials not specifically mentioned herein if it is determined that said materials exhibit comparable characteristics as those materials already approved herein.

(2) Roofing design and materials.

A. Asphalt shingles, industry approved synthetic shingles, standing seam metal or tile roofs are allowed.

B. Gable roofs, if provided, shall have a minimum pitch of 6/12.

C. Pitch roofs, if provided, shall have a minimum pitch of 9/12.

D. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged.

E. Flat roofs shall require parapet screening in accordance with Section 1181.18.

F. Parapet shall require cornice detailing or similar design.

(3) Prohibited Materials. The following materials shall be prohibited as primary cladding or roofing materials:

A. Aluminum or vinyl siding or cladding.

B. Galvanized steel or other metal.

C. Wood or plastic siding.

D. Cementitious fiberboard.
E. Unfinished concrete block.
F. Exposed aggregate.
G. Wood roof shingles.
H. Reflective glass.

(4) Architectural design features.

A. All non-residential buildings shall be architecturally finished on all sides with the same materials and detailing (e.g. tiles, moldings, cornices, wainscoting, etc.)

B. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved masonry list be utilized on all facades to provide architectural detail and interest.

C. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved masonry list be utilized on all facades to provide architectural detail and interest.

D. Secondary materials must cover a minimum of ten percent (10%) of the building façade on all sides.

E. No blank walls shall front along any public right-of-way.

F. All non-residential buildings shall be designed to include no less than four of the architectural design features listed as follows. Buildings over 20,000 square feet must include a minimum of six of the architectural design features listed as follows.

1. Canopies, awnings, arcades, covered walkways or porticos.
2. Recesses, projections, columns, pilasters projecting from the planes, offsets, reveals or projecting ribs used to express architectural or structural bays.
3. Varies roof heights for pitched, peaked, sloped or flat roof styles.
4. Articulated cornice line.
5. Arches.
6. Display windows, faux windows, or decorative windows.
7. Architectural details (such as tile work and molding) or accent materials integrated into the building façade.
8. Integrated planted or wing walls that incorporate landscaping and sitting areas or outdoor patios.
9. Integrated water features.
10. Other architectural features approved by the Planning and development Director or his/her designee.

The Proposed Architectural Styling is as follows:

Commercial Buildings:

- The proposal calls for six commercial buildings to be located on individual lots.

The buildings are proposed to be buildings that are composed of all masonry with a combination of stone, brick, and fiber cement board siding. The buildings will come back individually to Planning Commission for approval at the Detailed Development Plan stage.

Multi-Family Housing:

- The proposal calls for a maximum of 192 market rate apartment units.

The buildings are proposed to be three story multi-family buildings that are composed of all masonry with a combination of stone, brick, and fiber cement board siding.

Landscaping

The City's Code for Planned Mixed Use Districts is as follows and will be followed for this development:

1179.07 LANDSCAPING.

To protect and promote a harmonious development that ensures a functional and logical arrangement of mixed uses, the effective and efficient use of landscaping and buffering is required. Therefore, a PM development shall include the following landscaping and buffering:

(a) Development Landscaping. Within the PM development that is proposed, entirely residential buildings shall be screened from nonresidential and mixed-use buildings with a twenty (20) foot wide buffer strip that includes a six (6) foot high earth mound, wooden or vinyl fence, wall, landscaping and/or mixture thereof that shall maintain an opaqueness of at least eighty percent (80%) year around. Parking areas, accessways, or any impervious surfaces are prohibited within this buffer strip. If planted materials are used, the screen must achieve the required height, width, and opaqueness within two years of planting. The use of pre-existing trees, natural features, or amenities as part of this buffer is encouraged. The Planning Commission may approve some other arrangement of buffering if it determines that such an arrangement meets the intent of this requirement.

(b) Perimeter Landscaping. In a section of a PM development that contains nonresidential, mixed use, or multi-family buildings that abut a neighboring property with a single-family residential zoning designation or in a PM development section that contains an entirely residential section that abuts a neighboring property with a commercial, office, or multi-family zoning designation, the perimeter of the section of the PM development shall be screened with a twenty-five (25) foot wide buffer strip that includes a six (6) foot high earth mound, wooden or vinyl fence, wall, landscaping and/or mixture thereof that shall maintain an opaqueness of at least eighty percent (80%) year-round. Parking areas, accessways or impervious surfaces are prohibited within this buffer strip. If planted materials are used, the screen must achieve the required height, width, and opaqueness within two years of planting. The use of pre-existing trees, natural features, or amenities as part of this buffer is encouraged. The Planning Commission may approve some other arrangement of buffering if it determines that such an arrangement meets the intent of this requirement.

(c) Parking Lot Landscaping. All parking lots are required to have interior landscaped areas as outlined in Chapter 1185, "Parking and Loading".

(d) Street Tree Requirement. All frontage property within a PM development that abuts public rights of way and is developed with nonresidential, mixed use, and/or multi-family buildings is required to have one street tree per forty (40) feet of frontage planted just outside of the street right-of-way. Unless determined to be inappropriate by the City Engineer, street trees shall be planted at least four (4) feet from the edge of the sidewalk on private property. All frontage property within a PM development along a major collector or better as defined by the Huber Heights Thoroughfare Plan, no matter what use, shall meet this requirement. The type of tree and size shall be proposed by the developer at the Detailed Development Plan application stage and approved by the Planning Commission. A list of appropriate trees with required caliper is available in the City Engineer's Office.

Lighting

Proposed lighting shall follow Section 1181.21 of the City Zoning Code:

Signage

Signage will follow Section 1189 of the City's Zoning Code.

Recommendation:

Staff's analysis of the applicant's proposal leads it to recommend approval of the Basic Development Plan in accordance with the approval conditions detailed in the proposed legislation for Planning Commission's consideration.

Planning Commission Decision Record

WHEREAS, on February 17, 2021, the applicant, Broad Reach Retail Partners, LLC, requested approval of a Rezoning from R-6 Residence and B-3 Commercial to Planned Mixed Use and Basic Development Plan for property at the northeast corner of Taylorsville Road and Old Troy Pike, including parcels P70 04005 0043 and P70 04005 0015 of the Montgomery County, Ohio Recorder's Office (Zoning Case 21-06), and;

WHEREAS, on March 9, 2021 the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommended approval of the request.

_____ moved to recommend approval of the application by Broad Reach Retail Partners, LLC, and the applicant's request for approval of a Rezoning from R-6 Residence and B-3 Commercial to Planned Mixed Use and Basic Development Plan for property at the northeast corner of Taylorsville Road and Old Troy Pike, including parcels P70 04005 0043 and P70 04005 0015 of the Montgomery County, Ohio Recorder's Office (Zoning Case 21-06) in accordance with the recommendation of Staff's Memorandum dated March 4, 2021, with the following conditions:

1. The Basic Development Plan shall be the plans stamped received by the City of Huber Heights Planning Department on February 17, 2021 unless specifically modified below.

2. The allowable uses shall be those that are permitted within the PM – Planned Mixed Use District as described in Chapter 1179 of the City's Zoning Code.

3. Prior to the issuance of a zoning permit, the applicant shall submit and receive approval of a Detailed Development Plan through the Planning Commission.

4. Prior to the issuance of a zoning permit, the applicant shall obtain approval of a final subdivision of the subject property for the purpose, but not the sole purpose, of establishing all necessary public easements on the subject property.

5. Old Troy Pike & Access 1 shall be right-in/right-out only. A drop right turn lane shall be installed on Old Troy Pike into the development.

6. Old Troy Pike & Access 2 (across from IHOP) shall restrict left turns out of the development. A drop right turn lane shall be installed on Old Troy Pike into the development.

7. Old Troy Pike & Access 3 (across from Burger King) shall have a signalized intersection installed with a drop right turn lane on Old Troy Pike.

8. Taylorsville Road & Access 4 shall be moved further east to allow for a left turn in center lane on Taylorsville Road.

9. Taylorsville Road & Access 5 shall be full movement and shall extend from Taylorsville Road directly to the Multi-Family Development for its main access.

10. Taylorsville Road shall be widened on the north side to match the widening of the existing northbound turn lane at the intersection of Old Troy Pike and Taylorsville.

11. Huber Road shall restrict left turns out.

12. Access easements shall be granted to the public for access from the businesses to the north to access the signalized intersection.

Seconded by _____. Roll call showed: YEAS: ____. NAYS: ____. Motion to recommend approval carried ____.

_____ _____

Terry Walton, Chair Date
Planning Commission



huber heights crossing

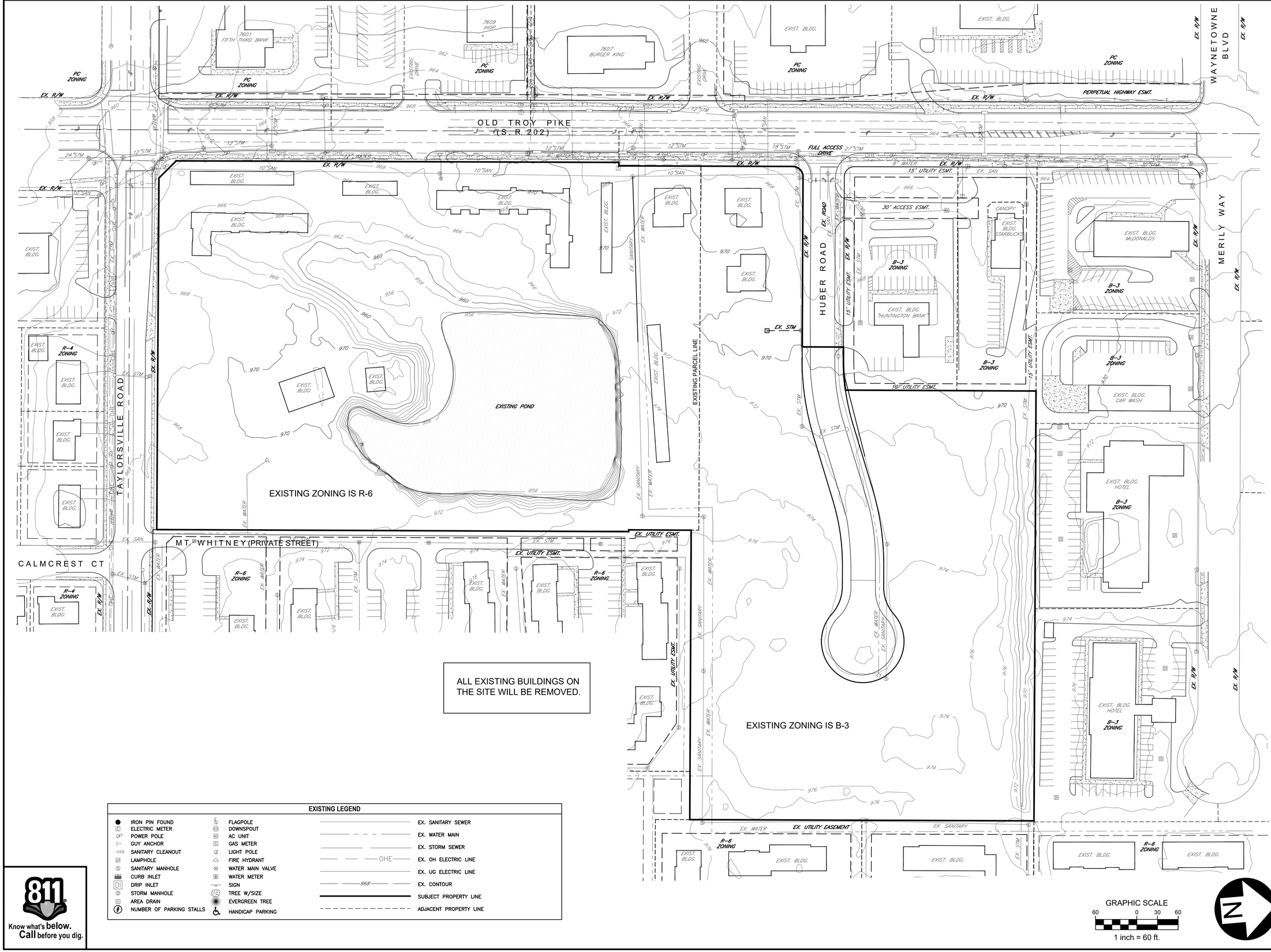
PUD review // huber heights, ohio
february 12, 2021

table of contents

PUD C-1 // pud existing conditions
PUD C-2 // pud site plan
PUD C-3 // pud stormwater plan
01 // aerial view
02 // proposed site plan
03 // commercial views | renders (03-06)
07 // residential view | render
08 // commercial elevations (08-09)
10 // residential elevations (10-12)
13 // signage elevations (13-14)
15 // material board
16 // aerial view

BURKHARDT ENGINEERS • SURVEYORS | Broad Reach RETAIL PARTNERS LLC | archall

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ALL EXISTING BUILDINGS ON THE SITE WILL BE REMOVED.

EXISTING LEGEND

IRON PIN FOUND	FLAGPOLE	EX. SANITARY SEWER	
ELECTRIC METER	DOWNSPOUT	EX. WATER MAIN	
POWER POLE	AC UNIT	EX. STORM SEWER	
GUY ANCHOR	GAS METER	EX. OH ELECTRIC LINE	OHE
SANITARY CLEANOUT	LIGHT POLE	EX. UG ELECTRIC LINE	
LAMPHOLE	FIRE HYDRANT	EX. CONTOUR	968
SANITARY MANHOLE	WATER MAIN VALVE	SUBJECT PROPERTY LINE	
CURB INLET	WATER METER	ADJACENT PROPERTY LINE	
DRIP INLET	SIGN		
STORM MANHOLE	TREE W/SIZE		
AREA DRAIN	EVERGREEN TREE		
NUMBER OF PARKING STALLS	HANDICAP PARKING		

811 Know what's below. Call before you dig.

GRAPHIC SCALE
60 0 30 60
1 inch = 60 ft.

N

Item	Description	Date

SITE DEVELOPMENT PLANS FOR
HUBER HEIGHTS CENTER
BROAD REACH RETAIL
OLD TROY PIKE & TAYLORSVILLE ROAD
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

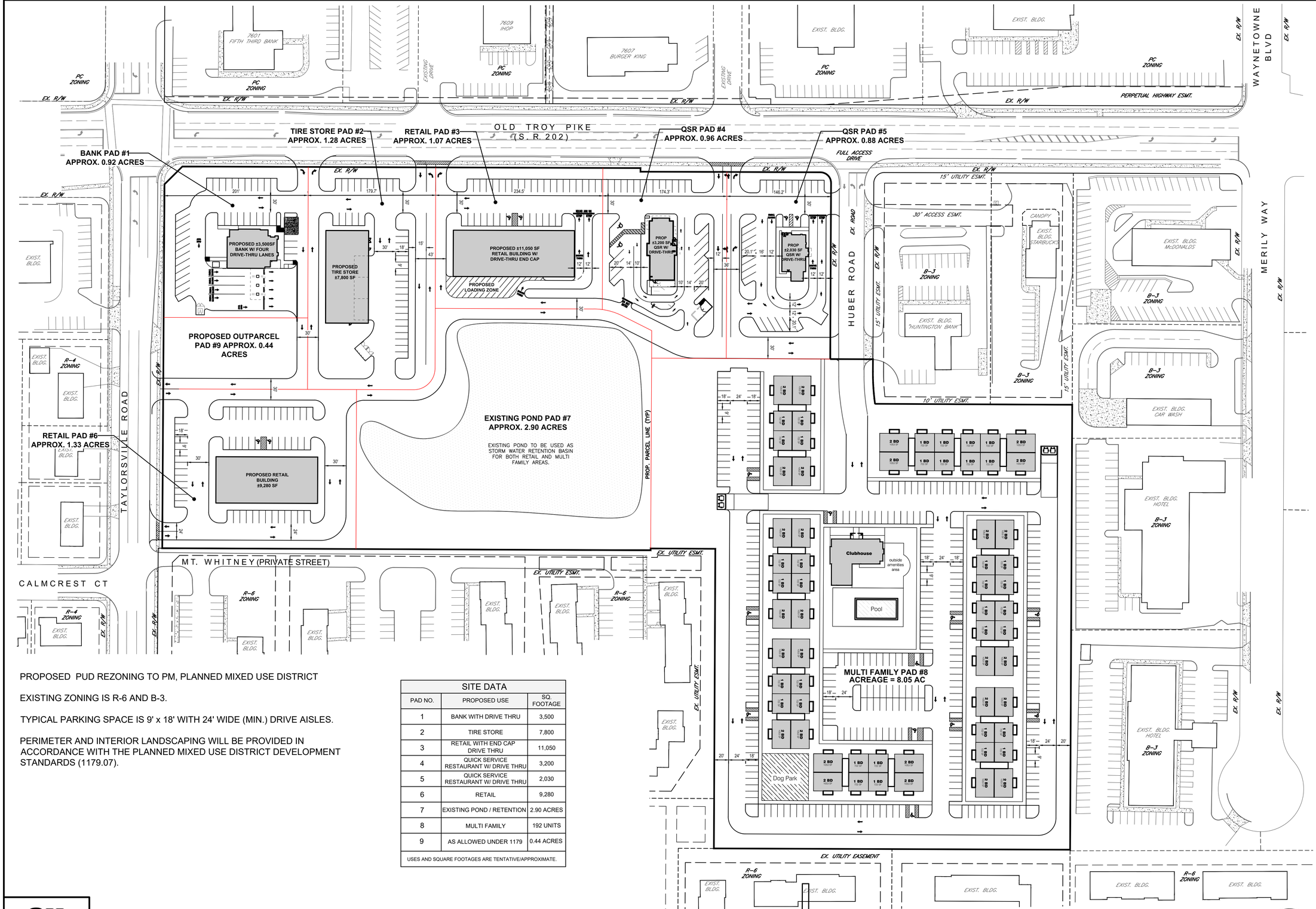
BURKHARDT
ENGINEERS ▼ SURVEYORS
28 North Cherry Street | Germantown, Ohio 45327 | Phone: 937-388-9000 | BURKHARDTINC.COM
CIVIL ENGINEERING | LAND SURVEYING | NATIONAL RETAIL SITE DEVELOPMENT

Design: KMZ	Proj: 19.199
Draw: RRT	Dwg: 19-199.dwg
Check: KMZ	Tab: PUD C-1
Scale: 1" = 60'	

Date: 02.12.2021

Sheet: PUD EXISTING CONDITIONS

Sheet No.: PUD C-1



PROPOSED PUD REZONING TO PM, PLANNED MIXED USE DISTRICT

EXISTING ZONING IS R-6 AND B-3.

TYPICAL PARKING SPACE IS 9' x 18' WITH 24' WIDE (MIN.) DRIVE AISLES.

PERIMETER AND INTERIOR LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE PLANNED MIXED USE DISTRICT DEVELOPMENT STANDARDS (1179.07).

SITE DATA		
PAD NO.	PROPOSED USE	SQ. FOOTAGE
1	BANK WITH DRIVE THRU	3,500
2	TIRE STORE	7,800
3	RETAIL WITH END CAP DRIVE THRU	11,050
4	QUICK SERVICE RESTAURANT W/ DRIVE THRU	3,200
5	QUICK SERVICE RESTAURANT W/ DRIVE THRU	2,030
6	RETAIL	9,280
7	EXISTING POND / RETENTION	2.90 ACRES
8	MULTI FAMILY	192 UNITS
9	AS ALLOWED UNDER 1179	0.44 ACRES
USES AND SQUARE FOOTAGES ARE TENTATIVE/APPROXIMATE.		

GRAPHIC SCALE
60 0 30 60
1 inch = 60 ft.

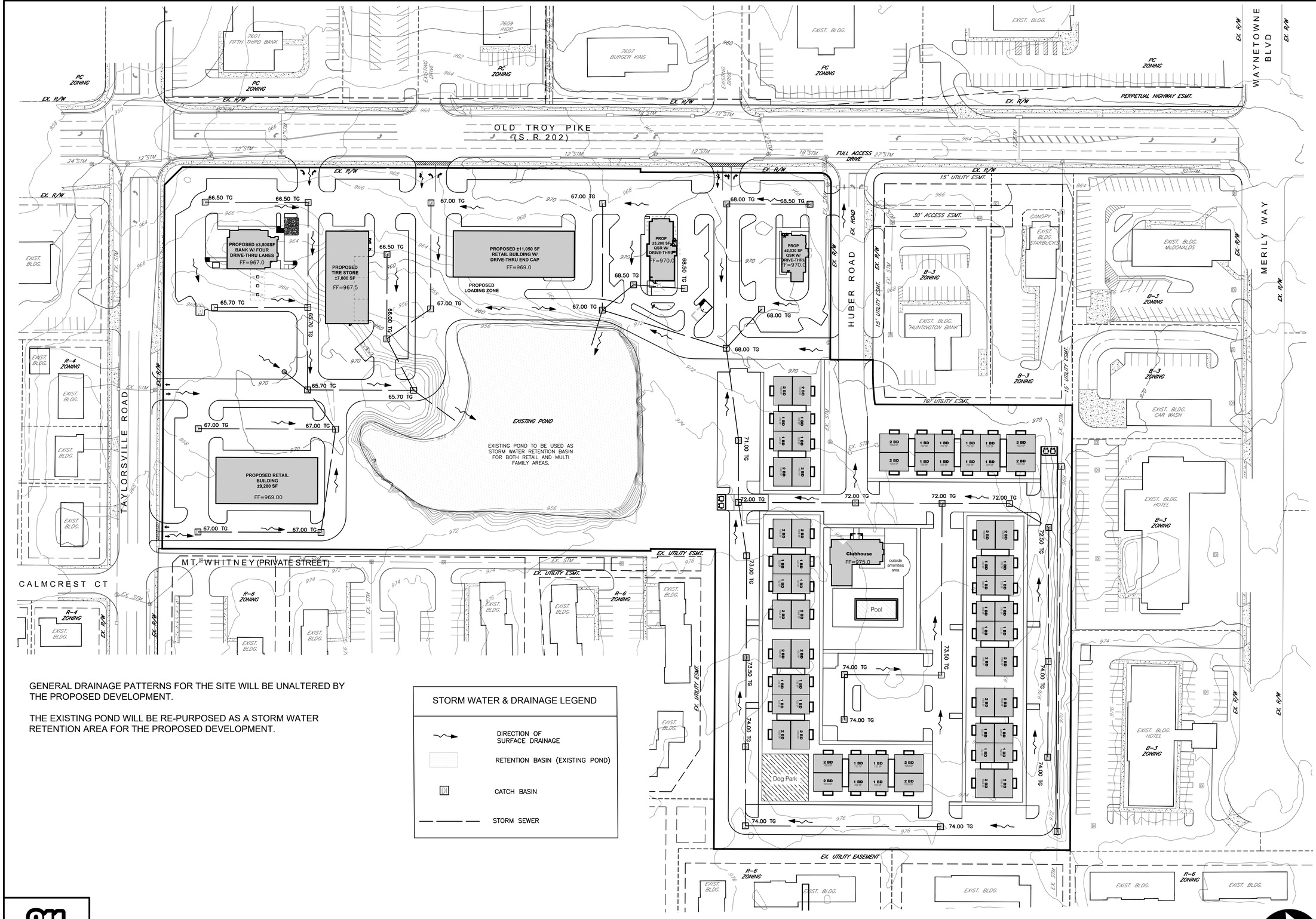
811 Know what's below. Call before you dig.

Item	Description	Date

SITE DEVELOPMENT PLANS FOR
HUBER HEIGHTS CENTER
BROAD REACH RETAIL
OLD TROY PIKE & TAYLORSVILLE ROAD
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

BURKHARDT
ENGINEERS ▾ SURVEYORS
28 North Cherry Street | Germantown, Ohio 45327 | Phone: 937-388-9060 | BURKHARDTINC.COM
CIVIL ENGINEERING | LAND SURVEYING | NATIONAL RETAIL SITE DEVELOPMENT

Design: KMZ	Proj: 19.199
Draw: JMK	Dwg: 19-199.dwg
Check: KMZ	Tab: PUD C-2
Scale: 1" = 60'	
Date: 02.12.2021	
Sheet: PUD SITE PLAN	
Sheet No.: PUD C-2	



GENERAL DRAINAGE PATTERNS FOR THE SITE WILL BE UNALTERED BY THE PROPOSED DEVELOPMENT.

THE EXISTING POND WILL BE RE-PURPOSED AS A STORM WATER RETENTION AREA FOR THE PROPOSED DEVELOPMENT.

STORM WATER & DRAINAGE LEGEND

- DIRECTION OF SURFACE DRAINAGE
- RETENTION BASIN (EXISTING POND)
- CATCH BASIN
- STORM SEWER

GRAPHIC SCALE
60 0 30 60
1 inch = 60 ft.

811 Know what's below. Call before you dig.

SITE DEVELOPMENT PLANS FOR
HUBER HEIGHTS CENTER
BROAD REACH RETAIL
OLD TROY PIKE & TAYLORSVILLE ROAD
CITY OF HUBER HEIGHTS, MONTGOMERY COUNTY, OHIO

Item	Description	Date

BURKHARDT ENGINEERS ▼ SURVEYORS
28 North Cherry Street | Germantown, Ohio 45327 | Phone: 937-388-9080 | BURKHARDTINC.COM
CIVIL ENGINEERING | LAND SURVEYING | NATIONAL RETAIL SITE DEVELOPMENT

Design: KMZ	Proj: 19.199
Draw: JMK	Dwg: 19-199.dwg
Check: KMZ	Tab: PUD C-3
Scale: 1" = 60'	

Date: 02.12.2021

Sheet: PUD STORMWATER PLAN

Sheet No.: PUD C-3



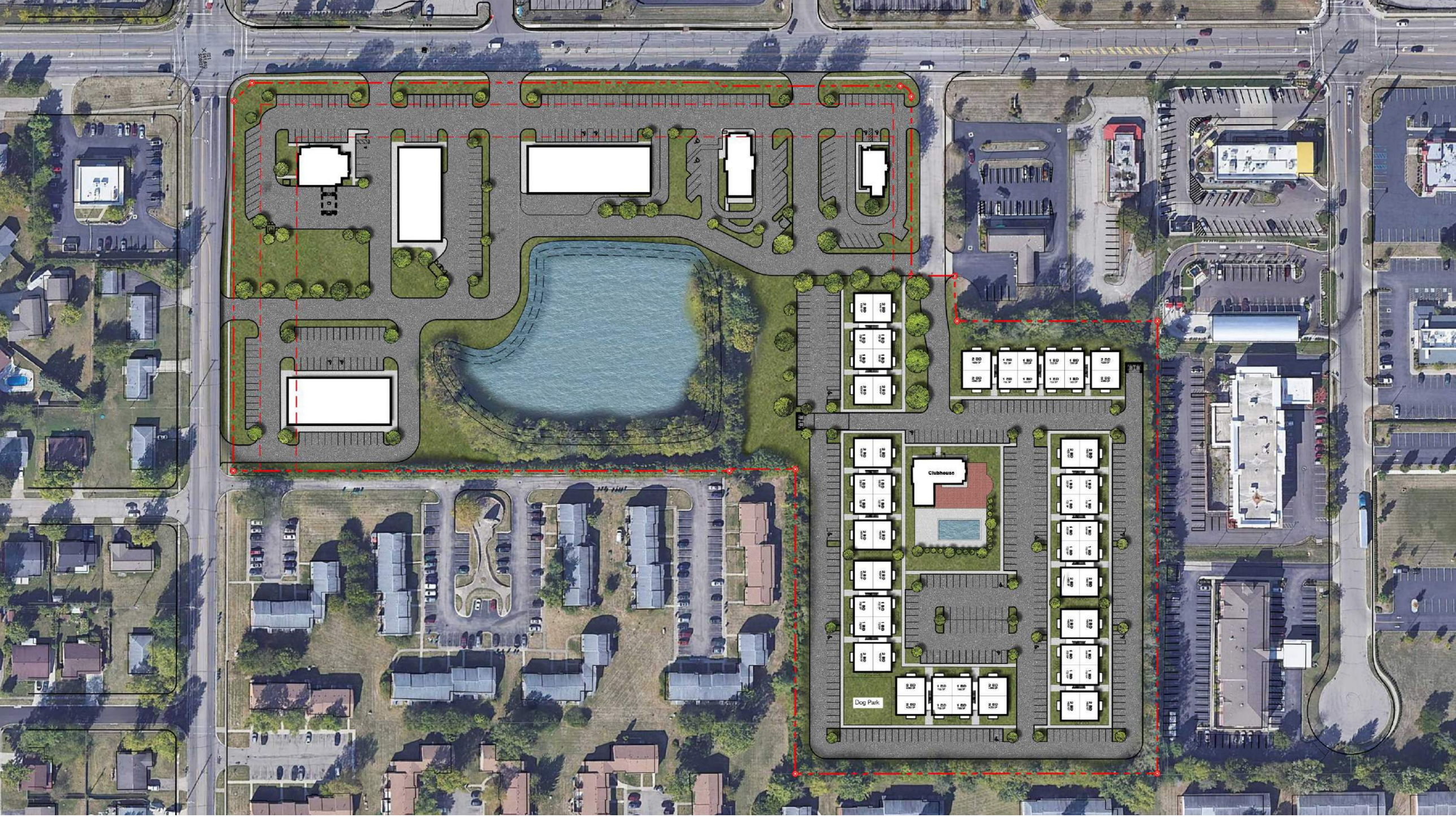
1 **aerial view**
looking northeast

huber heights crossing

PUD SUBMISSION | FEBRUARY 12, 2021

BURKHARDT ENGINEERS • SURVEYORS | Broad Reach RETAIL PARTNERS LLC | archall

© 2021 ARCHALL ARCHITECTS



N 2 **architectural site plan**
scale : 1" = 1'-0"

huber heights crossing

PUD SUBMISSION | FEBRUARY 12, 2021

BURKHARDT ENGINEERS • SURVEYORS | Broad Reach RETAIL PARTNERS LLC | archall

© 2021 ARCHALL ARCHITECTS



3 **street view 1**

© 2021 ARCHALL ARCHITECTS



4 **street view 2**

© 2021 ARCHALL ARCHITECTS



5 **commercial building (N)**

© 2021 ARCHALL ARCHITECTS



6 **commercial building (S)**

© 2021 ARCHALL ARCHITECTS



7 **residential view**

© 2021 ARCHALL ARCHITECTS



8a **commercial building (N) // front elevation**
scale : 3/32" = 1'-0"



8b **commercial building (N) // side elevation**
scale : 3/32" = 1'-0"

© 2021 ARCHALL ARCHITECTS



9a **commercial building (S) // front elevation**
scale : 3/32" = 1'-0"



9b **commercial building (S) // side elevation**
scale : 3/32" = 1'-0"

© 2021 ARCHALL ARCHITECTS



10a **residential building 1 // front elevation**
scale : 1/16" = 1'-0"



10b **residential building 1 // side elevation**
scale : 1/16" = 1'-0"

© 2021 ARCHALL ARCHITECTS



11a **residential building 2 // front elevation**
scale : 1/16" = 1'-0"



11b **residential building 2 // side elevation**
scale : 1/16" = 1'-0"

© 2021 ARCHALL ARCHITECTS



12a **clubhouse // front elevation**
scale : 1/16" = 1'-0"



12b **clubhouse // side elevation**
scale : 1/16" = 1'-0"

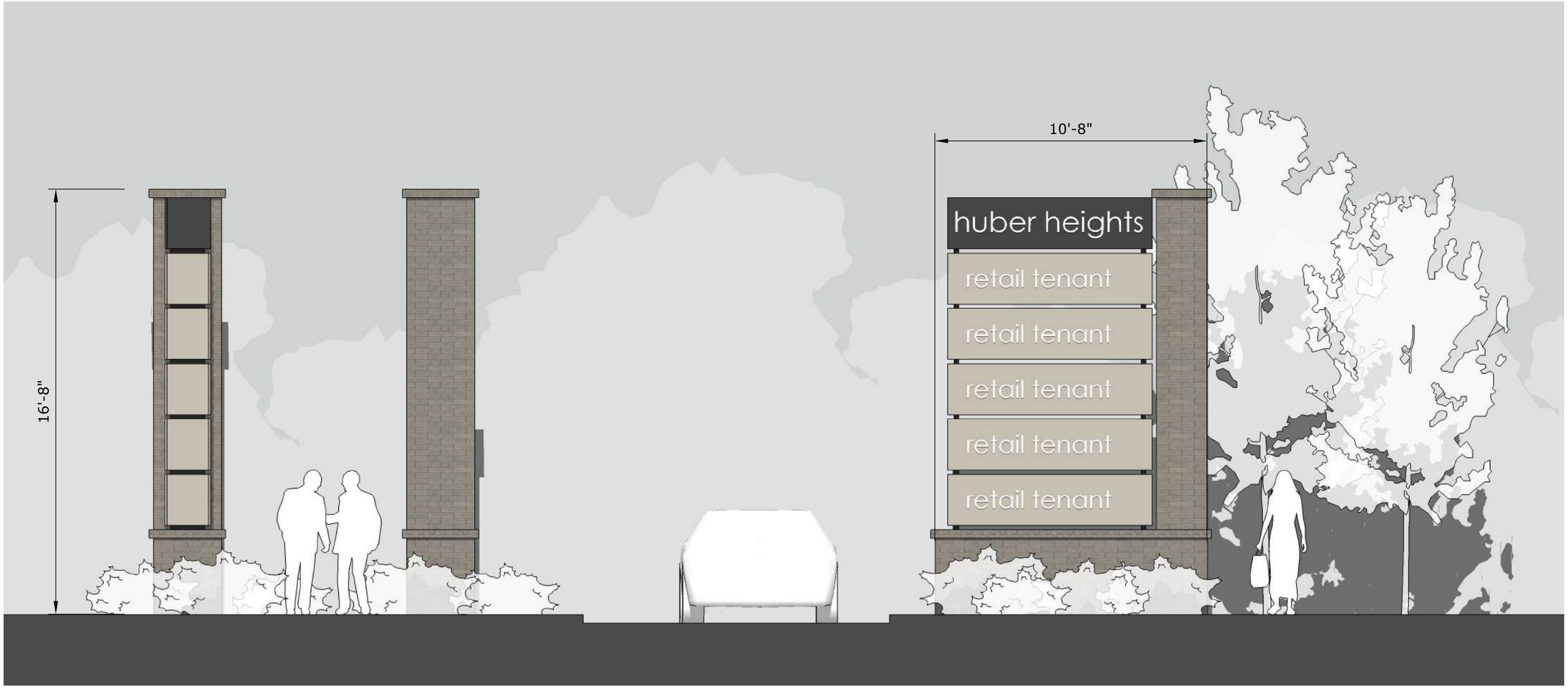


12c **clubhouse // back elevation**
scale : 1/16" = 1'-0"



12d **clubhouse // side elevation**
scale : 1/16" = 1'-0"

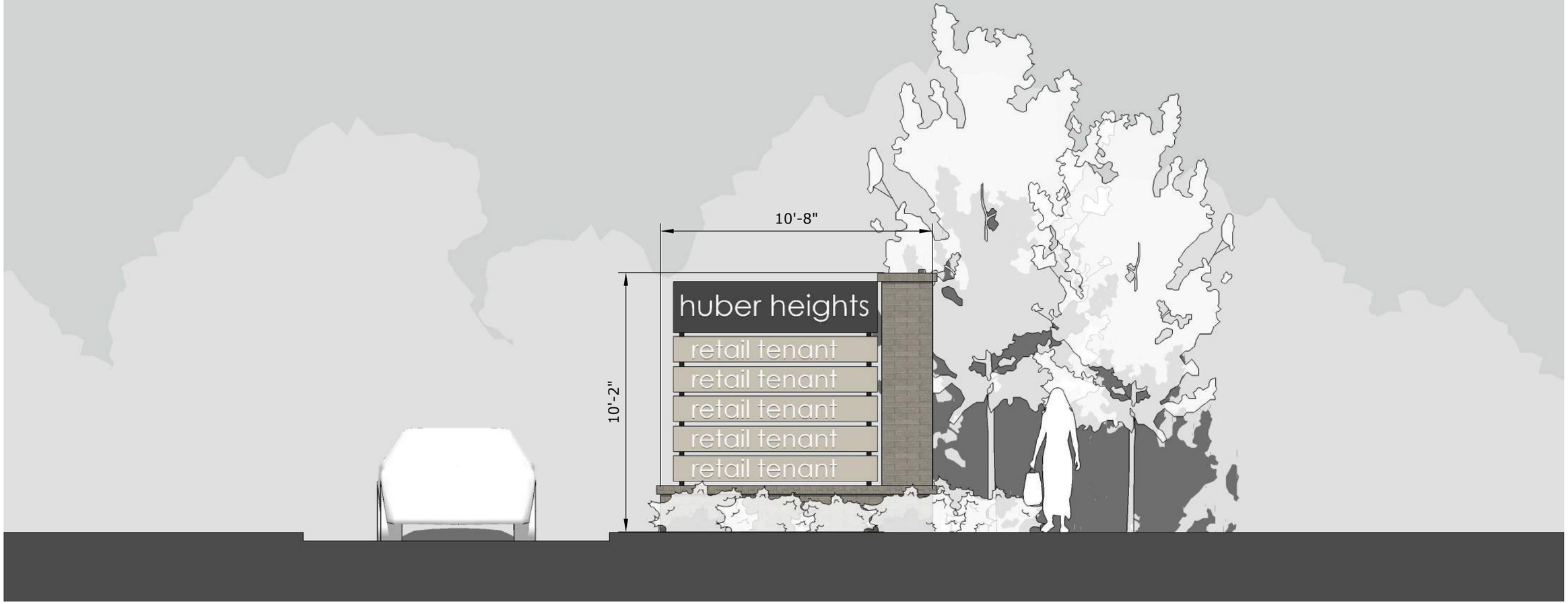
© 2021 ARCHALL ARCHITECTS



13a **primary signage // side elevations**
scale : 1/4" = 1'-0"

13b **primary signage // front elevation**
scale : 1/4" = 1'-0"

© 2021 ARCHALL ARCHITECTS



14a **secondary signage // front elevation**
scale : 1/4" = 1'-0"

© 2021 ARCHALL ARCHITECTS



SIDING 01
product // james hardie
// hardieplank lap siding
color // cobble stone



SIDING 02
product // james hardie
// Hardieshingle siding
color // cobble stone



ROOF 01
product // asphalt dimensional shingle



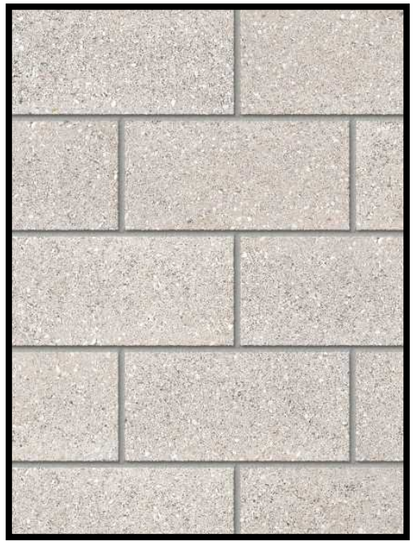
BRICK 01
product // glen gery
color // mink grey



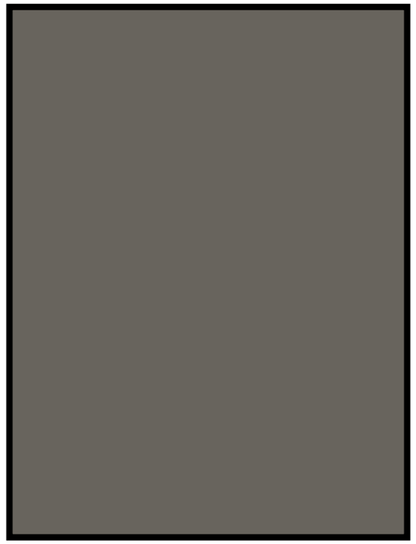
BRICK 02
product // glen gery
color // santa fe



SIDING 03
product // james hardie
// hardieplank lap siding
color // iron gray



STONE 01
product // rockcast smooth
color // charlotte tan



EIFS
product // eifs siding
color // charcoal

© 2021 ARCHALL ARCHITECTS



16 **aerial view**
looking northeast

© 2021 ARCHALL ARCHITECTS

Huber Heights Fire Division

Inspections require two business days advance notice! (OAC)1301:7-7-09(A)(5)

Occupancy Name:	Broad Reach Development
Occupancy Address:	Old Troy Pike and Taylorsville Road

Type of Permit:	HHP&D Site Plan
Additional Permits:	Choose an item.
Additional Permits:	Choose an item.

MCBR BLD:		HH P&D:	
MCBR MEC:		HHFD Plan:	21-039
MCBR ELE:		HHFD Box:	47
REVIEWER:	Susong	DATE:	3/1/2021

Fire Department Comments:

The Huber Heights City Code Part 15 Refers to Fire Code Requirements and has adopted by reference OFC and IFC Appendices

These comments are based only on the proposed site work, fire department access and basic fire protection concept at this time. A full plan review of the building systems, fire protection, egress and life safety will need to be conducted once the architectural plans have been submitted. The proposed development will need to meet the requirements of the Ohio Fire Code 2017, Ohio Building Code 2017 and the Huber Heights Codified Ordinance. Based on the drawings provided the following requirements need to be met.

- **Please review requirements for fire service features in Ohio Fire Code (OFC), Rule 5.**
- **Fire apparatus access roads will need to comply with OFC 503 as well as the adopted appendices from the OFC (2017) and the Huber Heights Codified Ordinance (HHCO) Section 15.**
- **Additional access is required to the residential portion of project. Refer to OFC 503.1.2 and Appendix D106.1.**
- **Buildings where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, shall be provided with approved aerial fire apparatus access roads. OFC Appendix D105.1. Refer to D105.2, D105.3 and D105.4 for additional requirements.**

- **Multi family residential developments with more than 100 dwelling units shall have two separate and approved fire access roads. OFC Appendix D106.1.**
- **The minimum drive width shall be 26 feet with fire hydrants. OFC Appendix D103.1.**
- **The turning radius for fire department access roads shall meet requirements for Huber Heights Fire Division (HHFD) vehicles. Contact HHFD to obtain information. OFC 503.2.4 and Appendix D103.3.**
- **Fire department access roads shall not have dead ends over 150 feet without an approved turnaround. OFC 503.2.5 and Appendix D103.4.**
- **The water supply for fire protection shall meet the requirements of OFC 507 and Appendix B. Calculations and findings will need to be determined and provided. Water Main and hydrant extension sizes and spacing will also need to be shown in detail. Fire flow requirements shall be determined in accordance with Ohio Fire Code, Appendix B, Fire Flow Requirements for Buildings. Once the fire flow has been determined the minimum number of required fire hydrants can be confirmed. (Building Construction Classification and Square Footage will need to be determined first).**
- **Fire hydrant spacing shall also meet the requirements of HHCO 1521.**
- **Buildings provided with fire sprinkler systems will need to have a fire department connection located within 75 feet of a fire hydrant in accordance with Huber Heights Codified Ordinance 1521.01(e). The connection shall be a 4" Storz fitting with a 30-degree turn-down**
- **510 Emergency Responder Radio Coverage. Please review this section carefully regarding evaluation and need for proper radio coverage within buildings.**

Please reference contact information below for questions or concerns with this document.

Plans reviewed by the Huber Heights Fire Division are reviewed with the intent they comply in **ALL** respects to this code, as prescribed in **SECTION (D) 104.1 of the 2017 Ohio Fire Code**. Any omissions or errors on the plans or in this review do not relieve the applicant of complying with **ALL** applicable requirements of this code. These plans have been reviewed for compliance with the Ohio Fire Code adopted by this jurisdiction. There may be other regulations applicable under local, state, or federal statues and codes, which this department has no authority to enforce and therefore have not been evaluated as part of this plan review.

MEMORANDUM

DATE: February 17, 2021
SUBJECT: Broad Reach Development – Huber Heights, Ohio - Traffic Assessment
PREPARED BY: Michael J. Hafner, PE, PTOE (TEC Engineering, Inc.)
PREPARED FOR: Project Stakeholders

TEC performed a preliminary transportation impact assessment for the proposed Broad Reach Development site in Huber Heights, Ohio.

Study Limits
The development will be located on the "Huber" property located on east side of Old Troy Pike and generally bounded by Huber Road on the north and Taylorsville Road on the south. The study limits include the roadways adjacent to the proposed development, all proposed development access points, and the following intersections:

- Old Troy Pike & Taylorsville Road
- Old Troy Pike & Shopping Center Access (IHOP)
- Old Troy Pike & Shopping Center Access (Burger King)
- Old Troy Pike & Huber Road
- Old Troy Pike & Waynetowne Boulevard/Merily Way
- Old Troy Pike & I-70 Eastbound
- Old Troy Pike & I-70 Westbound

Background Traffic
Traffic volume data for the study area was compiled from historical traffic data (2018/2020) and current (2021) traffic data. Recent traffic volume data was collected in 2021 at the intersections of Old Troy Pike & Waynetowne/Merily Way and Old Troy Pike & Huber Road. These counts were conducted to ensure traffic volumes associated with new businesses (Raising Cane's & Starbucks) are incorporated into the volume dataset used for the analysis. TEC combined and balanced the available count data to create a traffic volume data set that best resembles anticipated future volumes for the corridor.

Trip Generation & Distribution
The proposed multi-use development includes a combination of restaurant, retail, and apartment land uses. TEC evaluated the proposed land uses and sizes identified on the site plan using ITE Land Use Codes to estimate the peak hour generated trips associated with this development. Internal trip capture and pass-by trip capture data was also utilized to define the final trip generation for the site including new trips and redirected existing trips. TEC examined the existing traffic patterns for the area to develop distribution assumptions for application of these newly generated trips to the adjacent roadway network.

Scenario Evaluation

To determine any area modifications and gain understanding of the future operations of the project area, the following four scenarios will be compared and analyzed:

- *2022 Opening Year – No Build*
- *2022 Opening Year – Build (with development trips)*
- *2042 Design Year – No Build*
- *2042 Design Year – Build (with development trips)*

Intersection Impacts

Preliminary operational impacts were calculated for the study intersections. This document provides a preliminary assessment of potential transportation impacts.

Moving from south to north along Old Troy Pike

Old Troy Pike & Access 1 (right-in/right-out)

- *Capacity analysis results indicated acceptable level of service (LOS) for this access.*
- *Special note - Access 2, to the north, warrants a right turn bay which is calculated to extend though access 1. Although not warranted for Access 1, the proposed right turn bay at access 2 should be extended through this right-in/right-out an additional 125'.*

Old Troy Pike & Access 2 (across from IHOP)

- *Capacity analysis results identify failing operations (LOS F) for left turns exiting the development during peak traffic periods. The left-out movement should be restricted at this location. A left-in movement appears to operate acceptably at this location and is beneficial to overall development access. Restriping for a continuous two-way left turn lane (TWLTL) is proposed.*
- *A northbound right turn bay is warranted. See Access 1 discussion related to total length required.*
- *Movement restrictions, as noted, and construction of a right turn bay will result in acceptable LOS for this access.*

Old Troy Pike & Access 3 (across from Burger King)

- *Capacity analysis results identify failing operations (LOS F) for left turns exiting the development during peak traffic periods. Alternate traffic control should be considered for this location.*
- *A traffic signal is projected to warrant at this location.*
    - *A traffic signal at this location would allow for a controlled, safe access from the proposed development onto Old Troy Pike.*
    - *This traffic signal also provides better access for the existing development on the west side of Old Troy by signalizing the left turn movement from this drive. This new traffic signal is also anticipated to help redistribute some traffic off of Waynetowne.*
    - *The traffic signal is projected to operate with acceptable LOS during all analysis scenarios.*

- *The proposed southbound left turn bay at the signal calculates to extends through Huber Road.*
- *The proposed westbound storage length exiting the site calculates to 200'.*

Accesses along Taylorsville Road moving west to east

Taylorsville Road & Access 4

- *An eastbound left turn lane is warranted at Access 4. The existing spacing between this access and Old Troy Pike combined with the westbound left turn storage needs for Old Troy Pike limit the ability to provide this dedicated turn lane.*

Taylorsville Road & Access 5

- *The access would be designed as full movement with an eastbound left turn bay. Preliminary analysis shows this access can operate with acceptable LOS as full movement, unsignalized.*

External Intersections

Old Troy Pike & Huber Road

- *Special note - The southbound left bay for the proposed traffic signal at Access 3 extends though Huber Road.*

Old Troy Pike & Taylorsville Road

- *Capacity analysis indicates that the development related trips have minimal impact on the overall intersection LOS.*

Old Troy Pike & Waynetowne/Merily

- *Capacity analysis indicates that the development related trips have minimal impact on the overall intersection operations and LOS.*

Old Troy Pike & I-70 EB Ramp

- *Capacity analysis indicates that the development related trips have minimal impact on the overall intersection operations and LOS.*

Old Troy Pike & I-70 WB Ramp

- *Capacity analysis indicates that the development related trips have minimal impact on the overall intersection operations and LOS.*

Huber Heights Crossing, Broad Reach Retail

Statement Questions for PUD rezoning to Planned Mixed Use District

1. What is the proposed disposition of any existing structures on the property?

   All the existing structures will be removed.

2. In what ways will be proposed rezoning and proposed use benefit the community or the surrounding areas in terms of convenience, welfare, or other considerations?

   The proposed retail uses will provide convenient necessity uses for the community while acting as a gateway into the City of Huber Heights. Additionally, it will provide jobs, tax base increase and an upgrade to its current under-utilized use. The proposed multi family will provide the same aspects and high-end residences for the community.

3. Are the proposed zoning districts and use compatible with the surrounding uses?

   Yes. Existing retail is across Old Troy Pike to our West (Waynetowne Plaza) and to our North. The intended uses compliment the surrounded commercial uses including the local hotels. Existing multi family units along our east side and single family homes on our south side (across Taylorsville Road compliment the area and support all the necessity uses for the community.

4. Is any data available to indicate a need for the proposed zoning district in this area?

   We see the site as an opportunity for Huber Heights to provide new multi family and retail adjacent to the freeway, consistent with the trend along the I-70 corridor.

5. List any other reasons supporting the request for rezoning?

   The proposed development will allow a blighted property to be developed to a vibrant necessity use for the community. It serve as a gateway into the City of Huber Heights and bring successful users and residents to the City.

Type: Deeds
Kind: DEED
Recorded: 11/2/2018 10:24:47 AM
Fee Amt: $44.00 Page 1 of 4
Montgomery County, OH
Brandon C. McClain Recorder

File# 2018-00064626

TRANSFER
10:06am NOVEMBER 02, 2018
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 19199 $.00

(ABOVE LINE FOR RECORDER'S USE ONLY)

QUIT CLAIM DEED

HUBER TRANSACTION SUB LLC, an Ohio limited liability company ("Grantor"), for valuable consideration paid to it by **HF 2 SUB LLC**, a Delaware limited liability company ("Grantee"), whose tax-mailing address is c/o Magnetar Financial LLC, 1603 Orrington Avenue, 13th Floor, Evanston, Illinois 60201, Attention: Legal Department, remises, releases and forever quit claims and assigns to said Grantee and its successors and assigns forever, the following described real estate (the "Property"):

SEE EXHIBIT A ATTACHED

Prior Instrument Reference:	Instrument # 2013-00084816 Montgomery County, Ohio Records
Parcel ID:	P70 04005 0015; P70 04005 0050

and all the estate, title and interest of said Grantor either in law or in equity, of, in and to said Property; together with all of the privileges and appurtenances to the same belonging, and all rents, issues and profits hereof; to have and to hold the same to the only proper use of said Grantee.

[Signature page follows.]

JT

Grantor has executed this Deed on October 30, 2018.

GRANTOR:

HUBER TRANSACTION SUB LLC, an Ohio limited liability company
By OH Property Management LLC, its manager

By: Michael Turro

Name: Michael Turro

Title: Vice President

STATE OF ILLINOIS

COUNTY OF COOK

The foregoing instrument was acknowledged before me this 30th day of October, 2018, by Michael Turro, the Vice President of OH Property Management LLC, manager of **HUBER TRANSACTION SUB LLC**, an Ohio limited liability company, on behalf of the limited liability company.

Notary Public

Official Seal
Borton Szeto
Notary Public State of Illinois
My Commission Expires 06/20/2022

This Instrument Prepared By:
Nathan Crown
Keating Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
(513) 579-6400

EXHIBIT A

LEGAL DESCRIPTION



Parcels P70 04005 0015 and 0050

July 25, 2013

Situate in Section 29, Town 2, Range 8 M.Rs., City of Huber Heights, Montgomery County, State of Ohio this description is part of a 10.994 acre tract, current owner Huber Investment Corporation as recorded in Deed Book 1968, Page 270 and Deed Mf 73-54D09 and being more particularly described as follows.

Beginning at a set 5/8" iron pin with cap stamped JDF 7902 at the southeast corner of the street dedication of Huber Road as recorded in Hebert C. Huber Plat No. 67, Sec. 1 as recorded in Plat Book 109, Page 41 Montgomery County Recorder's Office and also being the east line of Old Troy Pike (S.R. 202), R/W varies; thence with the east line of said Old Troy Pike (S.R. 202) North 01°03'10" East, 119.12 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the south line of the Huber Investment Corporation tract as recorded in Deed Book 2516, Page 104; thence with the south line of said Huber Investment Corporation South 88°47'30" East, 529.28 feet to a set 5/8" iron pin with cap stamped JDF 7902; thence continuing with the south line of said Huber tract and the west line of Lot 11148 of the Hebert C. Huber Plat No. 51, Section Two as recorded in Plat Book 94, Page 14 South 01°13'10" West, 102.12 feet to a set 5/8" iron pin with cap stamped JDF 7902; thence continuing with the west line of said Lot 11148 South 86°05'00" East, 2.60 feet to a set 5/8" iron pin with cap stamped JDF 7902; thence continuing with said Lot 11148 South 01°08'00" West, 685.17 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the north line of Taylorsville Road, 76' R/W; thence with said Taylorsville Road the following two courses, 1. North 88°45'30" West, 511.06 feet to a set 5/8" iron pin with cap stamped JDF 7902; 2. North 43°50'10" West, 35.41 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the east line of said Old Troy Pike (S.R. 202); thence with said east line of Old Troy Pike (S.R. 202) the following two courses, 1. North 01°05'10" East, 643.03 feet to a set 5/8" iron pin with cap stamped JDF 7902; 2. South 88°10'20" East, 5.06 feet to the Place of Beginning. Containing 9.6673 acres more or less. Bearings based on the east line of said Old Troy Pike (S.R.202) North

01°03'10" East of said Hebert C. Huber Plat No. 67, Sec. 1 as recorded in Plat Book 109, Page 41 Montgomery County Records. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902. July 25, 2013

All deeds and plats referenced are recorded in the Montgomery County Recorder's office. Present Deed of Record, Deed Book 1968, Page 270 and Deed Mf 73-541D09

As recorded in the Montgomery County Engineer's Record of Land Surveys as Volume 2013, Page 0214.

James D. Fago

Registration Number 7902



KARL KEITH
COUNTY AUDITOR
MONTGOMERY COUNTY DAYTON, OHIO
DESCRIPTION APPROVED FOR
STRAIGHT TRANSFER CLOSURE
NOT CHECKED
BY _____ DATE 12-11-13
MAP DEPARTMENT

8765511.1

Type: Deeds
Kind: DEED
Recorded: 11/2/2018 10:25:37 AM
Fee Amt: $52.00 Page 1 of 5
Montgomery County, OH
Brandon C. McClain Recorder

File# 2018-00064627

TRANSFER
10:01am NOVEMBER 02, 2018
KARL L. KEITH, COUNTY AUDITOR
Conv/Tran #: 19197 $.00

(ABOVE LINE FOR RECORDER'S USE ONLY)

QUIT CLAIM DEED

HUBER TRANSACTION SUB LLC, an Ohio limited liability company ("Grantor"), for valuable consideration paid to it by **HF 2 SUB LLC**, a Delaware limited liability company ("Grantee"), whose tax-mailing address is c/o Magnetar Financial LLC, 1603 Orrington Avenue, 13th Floor, Evanston, Illinois 60201, Attention: Legal Department, remises, releases and forever quit claims and assigns to said Grantee and its successors and assigns forever, the following described real estate (the "Property"):

SEE EXHIBIT A ATTACHED

Prior Instrument Reference:	Instrument # 2013-00084817 Montgomery County, Ohio Records
Parcel ID:	P70 04005 0043

and all the estate, title and interest of said Grantor either in law or in equity, of, in and to said Property; together with all of the privileges and appurtenances to the same belonging, and all rents, issues and profits hereof; to have and to hold the same to the only proper use of said Grantee.

[Signature page follows.]

JT

Grantor has executed this Deed on October 30, 2018.

GRANTOR:

HUBER TRANSACTION SUB LLC, an Ohio limited liability company
By OH Property Management LLC, its manager

By: _____

Name: Michael Turro

Title: Vice President

STATE OF ILLINOIS

COUNTY OF COOK

The foregoing instrument was acknowledged before me this 30th day of October, 2018, by Michael Turro, the Vice President of OH Property Management LLC, manager of **HUBER TRANSACTION SUB LLC**, an Ohio limited liability company, on behalf of the limited liability company.

_____
Notary Public

Official Seal
Borton Szeto
Notary Public State of Illinois
My Commission Expires 06/20/2022

This Instrument Prepared By:
Nathan Crown
Keating Muething & Klekamp, PLL
One East Fourth Street, Suite 1400
Cincinnati, Ohio 45202
(513) 579-6400

EXHIBIT A



LEGAL DESCRIPTION

Parcel P70 04005 0043
July 25, 2013

Situate in Section 29, Town 2, Range 8 M.Rs., City of Huber Heights, Montgomery County, State of Ohio, this description is part of an 11.327 acre tract, current owner Huber Investment Corporation as recorded in Deed Book 2516, Page 104 Montgomery County Recorder's Office and being more particularly described as follows:

Commencing at a set 5/8" iron pin with cap stamped JDF 7902 at the southeast corner of the street dedication of Huber Road as recorded in Hebert C. Huber Plat No. 67, Sec. 1 as recorded in Plat Book 109, Page 41 Montgomery County Recorder's Office and also being the east line of Old Troy Pike (S.R. 202), R/W varies; thence with the east line of said Old Troy Pike (S.R. 202) North 01°03'10" East, 119.12 feet to a set 5/8" iron pin with cap stamped JDF 7902 being the Place of Beginning; thence with the said east line of Old Troy Pike (S.R. 202) the following two courses; 1. North 01°05'10" East, 133.47 feet to a set 5/8" iron pin with cap stamped JDF 7902; 2. on a curve to the right said curve having a radius of 15.00 feet a central angle of 90°04'30" a chord bearing North 46°07'25" East, 21.23 feet, 23.58 feet as measured along said curve to a set 5/8" iron pin with cap stamped JDF 7902 in the south line of said Huber Road; thence with said Huber Road the following twelve courses; 1. South 88°50'20" East, 264.95 feet to a set 5/8" iron pin with cap stamped JDF 7902 being the southeast corner of said dedicated Huber Road and the southwest corner of dedicated Huber Road as recorded in Herbert C. Huber Plat Number 67, Section Two, Plat Book 109, Page 42; 2. on a curve to the left said curve having a radius of 378.15 feet a central angle of 17°03'52" a chord bearing North 82°37'44" East, 112.21 feet, 112.62 feet as measured along said curve to an existing 5/8" iron pin with an aluminum cap stamped Woolpert Consultants; 3. North 74°05'48" East, 100.00 feet to a said Woolpert pin; 4. on a curve to the right said curve having a radius of 318.15 feet a central angle of 17°03'52" a chord bearing North 82°37'44" East, 94.41 feet, 94.75 feet as measured along said curve to a said Woolpert pin; 5. South 88°50'20" East, 30.63 feet to a said Woolpert pin; 6. on a curve to the right said curve having a

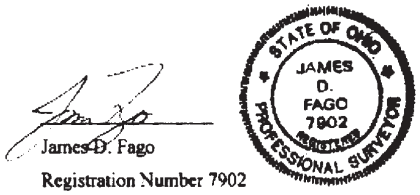
radius of 60.00 feet a central angle of 41°24'24" a chord bearing South 68°08'15" East, 42.42 feet, 43.36 feet as measured along said curve to a said Woolpert pin; 7. on a curve to the left said curve having a radius of 60.00 feet a central angle of 262°49'19" a chord bearing North 01°09'53" East, 90.00 feet, 275.23 feet as measured along said curve to a said Woolpert pin; 8. on a curve to the right said curve having a radius of 60.00 feet a central angle of 41°24'49" a chord bearing South 70°27'22" West, 42.43 feet, 43.37 feet measured along said curve to a said Woolpert pin; 9. North 88°50'20" West, 30.63 feet to a said Woolpert pin; 10. on a curve to the left said curve having a radius of 378.15 feet a central angle of 17°03'52" a chord bearing South 82°37'44" West, 112.21 feet, 112.62 feet as measured along said curve to a said Woolpert pin; 11. South 74°05'48" West, 100.00 feet to a said Woolpert pin; 12. on a curve to the right said curve having a radius of 318.15 feet a central angle of 08°58'15" a chord bearing South78°34'56" West, 49.76 feet, 49.81 feet as measured along said curve to an existing 5/8" iron pin in the west line of Lot 15164 of the Herbert C. Huber Plat No. 67 section Three as recorded in Plat Book 112, Page 7 and being the west line The Huntington National Bank tract as recorded in Deed Mf 80-547A04; thence leaving said Huber Road North 01°09'40" East, 276.83 feet to an existing 5/8" iron pin in the north east corner of Lot 15165 of said Hebert C. Huber Plat No. 67 Section Three and being the south line of The Morehead Company tract as recorded in Deed Mf 88-668C03; thence South 88°50'20" East, 624.81 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the southeast corner of the Merily Co., LLC tract as recorded in Deed Mf 98-440C04; thence with the west line of Lots 11155 and 11154 of the Hebert C. Huber Plat No. 51, Section Four "A" as recorded in Plat Book 99, Page 65 South 01°05'20" West, 500.00 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the north line of Lot 11147 of the Hebert C. Huber Plat No. 51, Section One as recorded in Plat Book 90, Page 73 and the Charles C. Huber Condominium Plat No. Eight as recorded in Plat Book 92, Page 83 and being the Hilltop Property Owners Association, Section 1 as recorded in D.M.F. 73-119E04; thence North 88°50'20" West. 420.73 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the west line of Lot 11148 of the Hebert C. Huber Plat No. 51, Section 2 as recorded in Plat Book 94, Page 14 an being the Huber Investment Corporation tract as recorded in Deed Mf 73-176C011;

thence North 01°13'10" East, 11.07 feet to a set 5/8" iron pin with cap stamped JDF 7902 in the northeast corner of the Huber Investment Corporation tract as recorded in Deed Book 1968, Page 270; thence with the north line of said Huber tract North 88°47'30" West, 529.28 feet to the Place of Beginning. Containing 7.5330 acres more or less. Bearings based on the east line of said Old Troy Pike (S.R.202) North 01°03'10" East of said Hebert C. Huber Plat No. 67, Sec. 1 as recorded in Plat Book 109, Page 41 Montgomery County Records. Subject to all legal highways, easements and restrictions of record. This description is based on a survey performed under the direction of James D. Fago, Ohio Reg. No. 7902, July 25, 2013.

All deeds and plats referenced are recorded in the Montgomery County Recorder's office.

Present Deed of Record, Deed Book 2516, Page 104

As recorded in the Montgomery County Engineer's Record of Land Surveys as Volume 2013, Page 0213.



James D. Fago

Registration Number 7902



8765536.1

AI-7481 **7. B.**

Planning Commission

Meeting Date: 03/09/2021

Lot Split

Information

Agenda Title

LOT SPLIT - The applicant, THE CITY OF HUBER HEIGHTS, is requesting approval of the Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way (ZC 21-07).

Purpose and Background

Attachments

Staff Report

Decision Record

Drawing

Memorandum

Staff Report for Meeting of March 9, 2021

To: Huber Heights City Planning Commission

From: Scott P. Falkowski, P.E., Assistant City Manager

Date: March 4, 2021

Subject ZC 21-07 (Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way)

- Application dated March 3, 2021

Department of Planning and Development City of Huber Heights

APPLICANT/OWNER: City of Huber Heights / Applicant & Owner

DEVELOPMENT NAME: Southpointe Crossing

ADDRESS/LOCATION: Brandt Pike

ZONING/ACREAGE: Planned Mixed Use (PM) / 27.27 Acres

EXISTING LAND USE: Commercial and Vacant

ZONING ADJACENT LAND: B-3, PC, R-4

REQUEST: The applicant requests approval of the Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way

ORIGINAL APPROVAL: N/A

APPLICABLE HHCC: Chapter 1107

CORRESPONDENCE: In Favor – None Received
In Opposition – None Received

STATEMENT OF FACT:

The applicant requests approval of a Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way.

STAFF ANALYSIS AND RECOMMENDATION:

Lot Analysis:

The proposal calls for splitting of two lots for development, one a four acre tract at the southwest corner of the intersection of Brandt Pike and Miami Valley Way and the other a one acre tract located behind the existing commercial building at the northwest corner of Brandt Pike and Fishburg Road. There is an existing access easement from Brandt Pike and from Fishburg Road to access the one-acre tract. Miami Valley Way is proposed to be dedicated to a public street which provides access to the four-acre tract.

Engineering:

The Engineer has reviewed the plans and does not have any concerns with the proposed split.

Recommendation:

After review of the applicant's proposal, staff recommends approval of the Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way.

Planning Commission Decision Record

WHEREAS, on March 3, 2021, the applicant, City of Huber Heights, requested approval of a Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way (Zoning Case 21-07), and;

WHEREAS, on March 9, 2021, the Planning Commission did meet and fully discuss the details of the request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approved the request.

_____ moved to approve the request made by the applicant, City of Huber Heights, of a Lot Split of four acres and one acre on Brandt Pike and dedication of Miami Valley Way (Zoning Case 21-07), in accordance with the recommendation of Staff's Memorandum dated March 4, 2021.

Seconded by _____. Roll call showed: YEAS: ____. NAYS: ____. Motion to approve carried ____.

_____ Date_____
Terry Walton, Chair
Planning Commission


ONE ACRE
FOUR ACRES
MIAMI VALLEY WAY
BRANDT PIKE
PARCEL
Intersection of Brandt and Fishburg

AI-7479 **9. A.**

Planning Commission

Meeting Date: 03/09/2021

Minutes

Information

Agenda Title

Planning Commission February 23, 2021

Purpose and Background

Attachments

Minutes

Planning Commission
February 23, 2021 Meeting
City of Huber Heights

I. Chair Terry Walton called the meeting to order at approximately 6:00 p.m.

II. Present at the meeting: Mr. Jeffries, Ms. Opp, Ms. Thomas, Ms. Vargo and Mr. Walton.

Members absent: None.

Staff Present: Scott Falkowski, Assistant City Manager, and Geri Hoskins, Planning & Zoning Administrative Secretary.

III. Opening Remarks by the Chairman and Commissioners

None.

IV. Citizens Comments

None.

V. Swearing of Witnesses

Mr. Walton explained the proceedings of tonight's meeting and administered the sworn oath to all persons wishing to speak or give testimony regarding items on the agenda. All persons present responded in the affirmative.

VI. Pending Business

None.

VII. New Business

1. **DETAILED DEVELOPMENT PLAN - The applicant, DEC LAND CO I, LLC, is requesting approval of a Detailed development Plan for Section 6, Phase VI and Phase VII of the Carriage Trails Development (ZC 21-05).**

Mr. Falkowski stated the applicant requests approval of a Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII of the Carriage Trails Development, which includes 32 single-family lots in Phase VI and 50 single-family lots in Phase VII.

Section 6, Phase VI and Section 6, Phase VII is a new section of 60 and 70-foot lots south of Carriage Trails Parkway and North of the existing H.C. Huber Plat No. 60. Section 6, Phase VI is proposed to contain 32 new houses, along with all applicable utilities, streets, and easements. Section 6, Phase VII is proposed to contain 50 new houses, along with all applicable utilities, streets, and easements.

The 82 proposed single-family lots meet the minimum dimensional and area requirements of the 2008 Basic Development Plan conditions of approval with 60-foot widths and 130-foot depth minimums for Section 6. The lots are considered small single-family lots per the Basic Development Plan and fit within the ”Bubble Plan” that was approved at the rezoning.

One condition in the Basic Development Plan that affects this Section is as follows:

10. Lots in Sections 6, 8, 10 and 13, which are located along the southern project line and/or abut existing single family lots shall have dimensions equal to or greater than the dimensions of the existing lots outside of Carriage Trails to create a transition between the existing and new development.

After reviewing the lot sizes of the southern neighboring properties, the southern lots will be required to be 70 feet wide or wider. This condition affects lots 31 through 50 and 199, which comply with the lots having widths of 70 feet.

This is the sixth and seventh phase of Section 6 which continues the growth to the south of Carriage Trails Parkway and to the east of Section 6, Phase I.

The southern property line has a line of mature trees. There are some dead that will be required to be removed. The Developer has agreed to save as many existing living mature trees as reasonable.

This Section also makes a connection to Trowbridge Way to the south. All construction traffic shall come from within the Carriage Trails development and not from the existing neighborhood to the south.

The drainage from these sections flow to the east into existing and proposed detention basins. Public water and sewer are being extended through this Phase to service the lots from the west. Engineering has worked through a set of comments and is working with the applicant’s engineer on any issues.

Pending the approval of this Detailed Development Plan application, the final legislative approval needed will be a final subdivision for this section of the development.

After review of the applicant’s proposal, staff recommends approval of the Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII in accordance with the conditions contained in the proposed Decision Record for Planning Commission’s consideration.

Mr. Jeffries asked about Lot 127 not a standard shape lot. Mr. Falkowski stated this is the second version of this set of plans. First there was a comment about that lot to make sure since those are 60 ft minimum lots, that the 60 ft meets at the rear of the building pad. That’s why that pad is drawn in. A couple of adjustments, on a curve this gave a little more room in the rear yard.
Discussion on the size and shape about the lot and the house.
Mr. Falkowski said it does meet the requirement of 60 ft. at the rear of the building pad.

Also, on #3 of proposed Decision Record, no construction traffic is allowed to use Trowbridge Way. All construction traffic has to come from the North through the Carriage Trails development. It's a public street connection, full access.
Ms. Vargo asked and then they changed the name? Mr. Falkowski said the name will actually change at the street.

Mr. Ken Conaway gave a sales report, 17 lots sold this year so far, bringing the total to 1,123. Builders are ready.
Mr. Jeffries asked about Lot 127 & 128 anyway to make property line between them more uniform? Mr. Conaway said the problem with moving the forward part of the line is that you squeeze in the setback on 128 so this is a compromise to give both lots adequate setback and give lot 127 green space access.

Mr. Tim Baker said approximately where lot 35 would be, 15 ft space in between there. It says 25 ft rear setback, 15 ft easement. Is there a space in between my lot and the next lot?
Mr. Falkowski said all lots have certain rear setback and they can not build the house and the 25 ft is what that is. The house can not be within 25 ft of rear lot. There is an easement proposed for the storm sewer so that is what the 15 ft is for drainage.
Mr. Baker said that is a really wet area back there. Mr. Falkowski said the catch basins will collect that water.
Mr. Baker asked if there was a timeframe? Mr. Conaway said we will start as soon as the weather breaks. Plan is to start all at one time.

Mr. Floyd Doty asked if the drawing was available. Mr. Falkowski said currently online and here is a copy.
There will be no construction traffic using Trowbridge? Mr. Falkowski said there is a utility connection there so trucks will be there when they are working there.

Action

Ms. Vargo moved to approve the request by the applicant, Dec Land Co I, LLC, of a Detailed Development Plan for Section 6, Phase VI and Section 6, Phase VII of the Carriage Trails Development (ZC 21-05) in accordance with the recommendation of Staff's Memorandum dated February 17, 2021, and the Planning Commission Decision Record attached thereto.

Seconded by Ms. Opp. Roll call showed: YEAS: Mr. Jeffries, Ms. Thomas, Ms. Opp, Ms. Vargo and Mr. Walton. NAYS: None. Motion to approve carried 5-0.

Mr. Falkowski said the next step is to finalize the Construction drawings and get the grading permit.

VIII. Additional Business

None.

IX. Approval of the Minutes

Without objection, the minutes of the February 9, 2021, Planning Commission meeting are approved.

X. Reports and Calendar Review

Mr. Falkowski said as a reminder an email went out noticing that at Council Meeting the Quail Ridge project and passed with no modifications to recommendation from Planning Commission. There will be a Rezoning submitted by Broad Reach Retail Project and a Lot Split/Replat at Marion Meadows. This will happen several times because we won't have 100% design of the whole area all at once.

Mr. Jeffries asked about Rural King being a PUD. Review how it's overrun into the parking lot and blocking traffic. Mr. Falkowski said the barricades were approved by Planning Commission.
Mr. Jeffries asked if the outdoor storage was approved to be out in the parking lot? Mr. Falkowski said our code enforcement will check it out if complaints are received to make sure it still meets the intent.

XI. Upcoming Meetings

March 9, 2021
March 23, 2021

XII. Adjournment

There being no further business to come before the Commission, the meeting was adjourned at approximately 6:25 p.m.

_____ _____

Terry Walton, Chair **Date**

_____ _____

Geri Hoskins, Administrative Secretary **Date**